

# HOUSE BILL No. 1798

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 9-21; IC 20-9.1-5.

**Synopsis:** Stopping for school buses. Requires a driver to stop when a school bus with its arm signal device extended is stopped on a highway. (Current law requires a driver to stop when the school bus is stopped on a roadway.)

**Effective:** July 1, 2005.

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January 19, 2005, read first time and referred to Committee on Roads and Transportation.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1798

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A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

*Be it enacted by the General Assembly of the State of Indiana:*

- 1 SECTION 1. IC 9-21-8-52 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 52. (a) A person who  
3 operates a vehicle and who recklessly:  
4 (1) drives at such an unreasonably high rate of speed or at such an  
5 unreasonably low rate of speed under the circumstances as to:  
6 (A) endanger the safety or the property of others; or  
7 (B) block the proper flow of traffic;  
8 (2) passes another vehicle from the rear while on a slope or on a  
9 curve where vision is obstructed for a distance of less than five  
10 hundred (500) feet ahead;  
11 (3) drives in and out of a line of traffic, except as otherwise  
12 permitted;  
13 (4) speeds up or refuses to give one-half (1/2) of the roadway to  
14 a driver overtaking and desiring to pass; or  
15 (5) passes a school bus stopped on a **roadway highway** when the  
16 arm signal device specified in IC 20-9.1-5-14 is in the device's  
17 extended position;



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commits a Class B misdemeanor.

(b) If an offense under subsection (a) results in damage to the property of another person, the court shall recommend the suspension of the current driving license of the person for a fixed period of:

(1) not less than thirty (30) days; and

(2) not more than one (1) year.

SECTION 2. IC 9-21-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) A person who drives a vehicle that:

(1) meets or overtakes from any direction a school bus stopped on a ~~roadway~~ **highway** and is not stopped before reaching the school bus when the arm signal device specified in IC 20-9.1-5-14 is in the device's extended position; or

(2) proceeds before the arm signal device is no longer extended; commits the offense described in section 9 of this chapter.

(b) This section is applicable only if the school bus is in substantial compliance with the markings required by the state school bus committee.

(c) There is a rebuttable presumption that the owner of the vehicle involved in the violation of this section committed the violation. This presumption does not apply to the owner of a vehicle involved in the violation of this section if the owner routinely engages in the business of renting the vehicle for periods of thirty (30) days or less.

SECTION 3. IC 20-9.1-5-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.5. For purposes of sections 12, 14, and 16 of this chapter, "highway" has the meaning set forth in IC 9-13-2-73.**

SECTION 4. IC 20-9.1-5-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. ~~Loading and Unloading~~. When a school bus is operated on a highway, the driver shall load and unload school children as close as practical to the right-hand curb or edge of the roadway **(as defined in IC 9-13-2-157).**

SECTION 5. IC 20-9.1-5-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. ~~Arm Signal Device~~.

(a) Whenever a school bus is stopped on a ~~roadway~~ **highway** to load or unload school children, the **school bus** driver shall use an arm signal device, and the arm signal device shall be extended while the bus is stopped except that a school bus driver need not extend an arm signal device when the school bus is stopped at an intersection or other place where traffic is controlled by a traffic control device or a police officer.

(b) For the purpose of this chapter, "roadway" means that portion of

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1 a highway improved, designed or ordinarily used for vehicular travel;  
2 exclusive of the sidewalk, berm or shoulder even though the sidewalk,  
3 berm or shoulder is used by persons riding bicycles or other human  
4 powered vehicles.

5 (c) (b) A public school governing body may authorize a school bus  
6 driver to load or unload passengers at locations off the ~~roadway~~  
7 **highway**, which it shall designate as special school bus loading areas.  
8 The driver need not extend the arm signal device when loading or  
9 unloading passengers in the designated areas.

10 SECTION 6. IC 20-9.1-5-16 IS AMENDED TO READ AS  
11 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. Flashing lights as  
12 prescribed by the state school bus committee shall be used on every  
13 school bus in order to give adequate warning that the bus is stopped or  
14 about to stop on the ~~roadway~~ **highway** to load or unload passengers.

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